

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Anthony Ashley,

Plaintiff,

-against-

City of New York et al.,

Defendants.

USDC SDNY  
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DATE FILED: 1/5/2021

1:20-cv-03888 (LTS) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

Following a telephone conference with the parties, during which only Defendants appeared, it is hereby Ordered as follows:

1. The deadline for Defendant NYCHA to respond to the Complaint is extended until January 22, 2021.
2. The parties are directed to appear for a telephone conference on Friday, March 5, 2021 at 10:00 a.m. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

The Court notes that it does not appear that Plaintiff has received any of the filings in this case that have been mailed to him, either at his original location, the Fort Washington Shelter, or at his subsequent location at The Hotel At New York City. Defendants also have been unable to contact Plaintiff via telephone or email. During today's conference, counsel for Defendant City of New York set forth the efforts she has made to contact Plaintiff, including by calling him at the telephone number listed on the docket and by emailing him at the email address set forth in his Declaration (ECF No. 6), and represented that she has received no response. Nonetheless, it is Plaintiff's responsibility to comply with Court Orders and "diligently prosecute his case." *Murray*

*v. Bouck*, No. 19-CV-00317 (MKV), 2020 WL 6381935, at \*3 (S.D.N.Y. Oct. 30, 2020) (citing cases). Moreover, the “duty to inform the Court and defendants of any changes of address is an obligation that rests with all *pro se* plaintiffs[.]” *Reyes v. NY F&B Servs. LLC*, No. 15-CV-02882 (LTS) (DCF), 2016 WL 3826283, at \*1 n.1 (S.D.N.Y. July 12, 2016) (internal quotation marks and citation omitted). Failure to do so is grounds for dismissal under Federal Rule of Civil Procedure 41(b). See, e.g., *Terry v. City of New York*, No. 20-CV-00081 (ER), 2020 WL 5913409, at \*2 (S.D.N.Y. Oct. 6, 2020) (“Whether Plaintiff actually received the Court’s orders is inconsequential, as it remained his duty to diligently pursue his case and to inform this Court’s Pro Se Office of any change of address.”) (internal quotation marks and citation omitted). **Accordingly, if Plaintiff fails to appear for the March 5, 2021 conference, I will recommend to District Judge Swain that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).**

The Clerk of Court is directed to mail copy of this Order to the *pro se* Plaintiff.

**SO ORDERED.**

DATED:           New York, New York  
                  January 5, 2021

*Stewart d. Aaron*

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STEWART D. AARON  
United States Magistrate Judge